

is this month taking notice of the fact that we can cooperate on swift consideration and confirmation of consensus nominations. Working together, we confirmed five judges in 1 week earlier this month. We have confirmed three more this week. Many of these judges could have been confirmed last month if the Republican leadership had chosen to make progress instead of picking a fight on a controversial nomination. I look forward to working with the Republican leadership to schedule debate and consideration of other non-controversial nominees.

I, again, commend the Republican Senate leadership for wisely passing over the controversial nominations of William Gerry Myers III, Terrence W. Boyle, and Norman Randy Smith. The Republican leadership is right to have avoided an unnecessarily divisive debate over these nominations that were reported on a party-line vote.

The President and Senate Republican leadership have too often, though, chosen to pick fights over judicial nominations rather than focus on filling vacancies. Judicial vacancies have now grown to well over 40 from the lowest vacancy rate in decades. More than half these vacancies are without a nominee. The Congressional Research Service has recently released a study showing that this President has been the slowest in decades to nominate and the Republican Senate among the slowest to act. If they would concentrate on the needs of the courts, our Federal justice system, and the needs of the American people, we would be much further along.

Still, we have passed several milestones. When the Senate today confirms Andrew Guilford and Frank Whitney as district court judges, the Senate will have confirmed 251 of this President's judicial nominees, crossing the 250 threshold. This milestone is an indicator of how cooperative Senate Democrats have been in confirming this President's nominees. Despite the slow pace of the President and the Republican leadership in filling the needs of the judiciary, the Senate has confirmed more of this President's nominees in the 66 months of his Presidency than the Republican-controlled Senate did in the last 66 months of the Clinton Presidency. During that time, many good nominees were never even given a vote in committee, and only 230 judges were confirmed. That dubious total was the result of their pocket-filibuster strategy to stall and maintain vacancies so that a Republican President could pack the courts and tilt them decidedly to the right. It is a strategy which has been working.

Also with these two nominations, the Republican-controlled Senate will have this year confirmed 24 judicial nominations. That surpasses the number of judges confirmed last year, 22. During the 17 months I was chairman of the Judiciary Committee and the Senate was under Democratic control, we confirmed 100 of President Bush's nomi-

nees. After today, in the last 17 months under Republican control, the Senate will have confirmed 46. So the fact that the Senate has confirmed more nominees in the past 5½ years than in the last 5½ years of the Clinton administration is due in no small part to the much faster pace of confirmations of this President's nominees when Democrats controlled the Senate.

Working together, we could do better. I urge the White House to work with us to select nominees with bipartisan support like Andrew Guilford, rather than explosive partisan nominees like Terrence Boyle. I hope that the Republican-controlled Senate will stop using controversial judicial nominations to score partisan political points. Our courts are too important.

Mr. CRAIG. Mr. President, I regret that I will not be able to vote on the nomination of Andrew Guilford. I have been called back to Idaho because of a family emergency. Had I been present to vote, I would have voted in his favor. It is my understanding that there are no known votes against this nominee, so his certain confirmation will not be affected by my absence.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Andrew J. Guilford, of California, to be United States District Judge for the Central District of California? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Idaho (Mr. CRAIG), the Senator from Wyoming (Mr. ENZI), the Senator from New Hampshire (Mr. GREGG), and the Senator from New Hampshire (Mr. SUNUNU).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 187 Leg.]

YEAS—93

Akaka	Coleman	Inhofe
Alexander	Collins	Inouye
Allard	Conrad	Isakson
Allen	Cornyn	Jeffords
Baucus	Crapo	Johnson
Bayh	Dayton	Kennedy
Bennett	DeMint	Kerry
Biden	DeWine	Kohl
Bingaman	Dodd	Kyl
Bond	Dole	Landrieu
Boxer	Domenici	Lautenberg
Brownback	Dorgan	Leahy
Bunning	Durbin	Levin
Burns	Ensign	Lincoln
Burr	Feingold	Lott
Byrd	Feinstein	Lugar
Cantwell	Frist	Martinez
Carper	Graham	McCain
Chafee	Grassley	McConnell
Chambliss	Hagel	Menendez
Clinton	Harkin	Mikulski
Coburn	Hatch	Murkowski
Cochran	Hutchison	Murray

Nelson (FL)	Santorum	Stevens
Nelson (NE)	Schumer	Talent
Obama	Sessions	Thomas
Pryor	Shelby	Thune
Reed	Smith	Vitter
Reid	Snowe	Voinovich
Roberts	Specter	Warner
Salazar	Stabenow	Wyden

NOT VOTING—7

Craig	Lieberman	Sununu
Enzi	Rockefeller	
Gregg	Sarbanes	

The nomination was confirmed.

Mr. WARNER. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### NOMINATION OF FRANK D. WHITNEY TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Frank D. Whitney, of North Carolina, to be United States District Judge for the Western District of North Carolina.

Mrs. DOLE. Mr. President, I am speaking today to offer my unconditional support for the nomination of Frank DeArmon Whitney to serve as a U.S. district judge in the Western District of North Carolina. Mr. Whitney has an impressive record of accomplishment and achievement, and he will make an outstanding judge.

Frank Whitney has deep roots in North Carolina and in public service. He attended Wake Forest University and the business and law schools at the University of North Carolina at Chapel Hill. After receiving his law degree with honors, Frank clerked on the prestigious U.S. Court of Appeals for the District of Columbia Circuit for the Honorable David Sentelle.

Upon completing his clerkship and a year in private legal practice, Frank returned to North Carolina and dedicated himself to public service. For nearly 11 years, he served as an assistant U.S. attorney for the Western District of North Carolina, where he acquired substantial trial experience—both criminal and civil—and earned the abiding respect of his colleagues and peers.

In 2002, Frank was elevated to the post of U.S. attorney for the Eastern District of North Carolina. As a result of his leadership, energy, and enthusiasm, the Eastern District has experienced a period of robust and resounding success. Among his many accomplishments, Frank Whitney has supervised what has been called the most successful public corruption prosecution in North Carolina history. He also has helped prepare Iraqis for the process of drafting a constitution and establishing a judicial system. He has even recovered North Carolina's original copy of the U.S. Bill of Rights, which was stolen from the State capitol in 1865.

His performance as U.S. attorney has elicited high praise. The Raleigh News & Observer credited Frank Whitney for awakening elected officials to the "importance of ethics in government," and the newspaper attributed his incredible success to his "restless mental and physical energy" and "Boy Scout idealism." Others who have had the opportunity to observe Frank's work have described him as determined, yet fair.

Those who know Frank best—including those who have worked for him in the U.S. Attorney's Office—are effusive in their support for his nomination. One of Frank's colleagues made the following assessment: "Frank is personable and gracious, yet knows the law and seeks justice. He has an abiding love for our country and is deeply committed to the principles that have made it great. He appreciates the historic separation of powers and understands judicial self-restraint. Frank possesses vast legal knowledge and demonstrates admirable judicial temperament." This description is consistent with everything that I know about Frank Whitney, and I submit to my colleagues that this is precisely the type of person we need on our Federal courts.

There is another component of Frank's career that I must commend. That is his impressive record of military service, which began during his collegiate days at Wake Forest, where he participated in ROTC. Frank is presently a lieutenant colonel in the U.S. Army Reserves, and has worked as an intelligence officer and as a judge advocate. He has been awarded numerous military honors, including a Parachutist's Badge and three Meritorious Service Medals. Frank Whitney truly has dedicated his life to serving his country—as a civilian and as a soldier.

Frank comes to the Senate floor with impeccable credentials and with the unanimous approval of the Senate Judiciary Committee. I am confident that he will serve with great distinction as a member of the Federal judiciary, and it is my great privilege to give him my strongest endorsement. I implore my colleagues to confirm him.

Mr. BURR. Mr. President, today, I rise in support of a highly qualified individual to be confirmed to the Federal bench—Frank Whitney to be a U.S. district court judge in the Western District of North Carolina.

President Bush nominated Frank Whitney on February 14, 2006. Frank has impressive academic and professional credentials: He is currently a U.S. attorney in my home State of North Carolina; he has practiced in two very distinguished law firms; he was an assistant U.S. attorney in North Carolina for several years; he clerked for the DC Circuit Court of Appeals; he graduated with honors from law school at the University of North Carolina where he also received his MBA; and he graduated Phi Beta Kappa from my alma mater of Wake Forest University.

But perhaps one of the most honorable characteristics of Frank Whitney

is that he has done all of this while serving his country in the military. Frank continues his service in the Army Reserve both as an intelligence officer and as a judge advocate. He is a former paratrooper, has received three Meritorious Service Medals, and recently was selected for promotion to lieutenant colonel.

As I mentioned in my testimony to the Judiciary Committee and what I want to mention about Frank here today is that Frank is a good man. I have had the pleasure of meeting Frank's family—his wife Catherine, and one of his daughters.

Personally, as a husband and as a father, I want to feel confident that the individuals we confirm to a lifetime appointment on the Federal bench understand the seriousness and significance of the job for which they are being considered.

I am confident that Frank does understand the importance of being a Federal judge. I know Frank is qualified to serve on the bench, and I am confident that Frank will continue to serve his Nation with honor and dignity. I believe Frank will continue to make his family proud, and I am confident that North Carolina will have one of the best Federal judges in the country in Frank Whitney.

Frank Whitney possesses qualities necessary to serve as a U.S. district court judge. He is fairminded, evenhanded, and treats all with respect. He has repeatedly demonstrated a commitment to public service and a spirit of impartiality and cooperation. I believe Frank Whitney's honesty, integrity, and intelligence have earned him strong bipartisan support and he will continue to proudly serve as a representative of our country.

I thank my colleagues for supporting the nomination of Frank Whitney to be the next U.S. district court judge for the Western District of North Carolina.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Frank D. Whitney, of North Carolina, to be United States District Judge for the Western District of North Carolina?

The nomination was confirmed.

#### NOMINATION OF THOMAS D. ANDERSON TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF VERMONT FOR THE TERM OF FOUR YEARS

The PRESIDING OFFICER. The clerk will report the last nomination.

The legislative clerk read the nomination of Thomas D. Anderson, of Vermont, to be United States Attorney for the District of Vermont for the term of four years.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have spoken earlier about Mr. Anderson. For those of us who have been prosecutors in Vermont or care about the prosecutor's office, I think President Bush has

made a fine choice here. And, of course, I strongly support Mr. Anderson for the reasons I stated earlier.

I think everybody here and in the Department of Justice will breathe a sigh of relief. We have had wonderful acting U.S. attorneys for some time since former U.S. attorney Peter Hall went to the Second Circuit. But this will be a very good move to have him as U.S. attorney.

I compliment Tom and his family and, of course, the President.

I yield the floor.

#### CONFIRMATION OF THOMAS D. ANDERSON

Mr. LEAHY. Mr. President, today we confirm Thomas D. Anderson as U.S. attorney for the District of Vermont. I am pleased that we acted promptly in the Judiciary Committee to report Tom's nomination to the floor and that the Senate is acting promptly to confirm him. As an assistant U.S. attorney in Burlington for 14 of the last 19 years, the managing partner of a respected Burlington law firm, and as deputy state's attorney in Newport, Tom's varied experience and long ties to Vermont have prepared him well to be Vermont's top Federal law enforcement official.

We have a strong tradition of good law enforcement in Vermont. Our most recent U.S. attorneys are part of that tradition. Charlie Tetzlaff served an extended term and has gone on to distinguish himself as the Executive Director of the U.S. Sentencing Commission. Peter Hall served ably and now fills the Vermont seat on the U.S. Court of Appeals for the Second Circuit.

Tom is the kind of well-qualified consensus nominee who can be easily confirmed by the Senate. In fact, I joined with Republican Gov. Jim Douglas in recommending Tom to President Bush. As a former prosecutor, I have been particularly impressed with his work since returning to the U.S. Attorney's Office in 2001 as head of the narcotics unit and as the lead attorney of the Department of Justice's Organized Crime Drug Enforcement Task Force. He has worked closely with both Federal and State drug investigators to identify and target the highest level drug traffickers in Vermont and to coordinate major drug investigations covering many districts. I believe his work on drug crime is especially important preparation as we continue to target those crimes, which are one of Vermont's most difficult law enforcement challenges.

In addition to his work combating drug crimes, Tom has gained a wide variety of experience in private practice and as a prosecutor. He spent 3 years at the U.S. Attorney's Office in the civil division, prosecuting civil enforcement actions in Federal court brought under the False Claims Act and other statutes. In 1994, he was assigned as a special assistant attorney general for the